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Filing date: **03/20/2006**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

| | | | |
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| Name | FPPF Chemical Co., Inc. | | |
| Entity | Corporation | Citizenship | New York |
| Address | 117 West Tupper Street Buffalo, NY 14201 UNITED STATES | | |

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| Attorney information | Walter W. Duft Law Offices of Walter W. Duft 8616 Main Street, Suite 2 Williamsville, NY 14221 UNITED STATES wduft@duftlawoffice.com Phone:716-633-1930 |
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Registration Subject to Cancellation

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|--|---|-------------------|------------|
| Registration No | 2968113 | Registration date | 07/12/2005 |
| Registrant | Power Research Inc. 1350 East Flamingo Road, Suite 44 Las Vegas, NV 89119 UNITED STATES | | |
| Goods/Services Subject to Cancellation | Class 001. First Use: 1999/00/00 , First Use In Commerce: 2000/00/00 Goods/Services: Chemical fuel additive for gasoline, diesel fuel and heavy fuel oil | | |

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|-------------|------------------------------|
| Attachments | can-petition.pdf (3 pages) |
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| Signature | /Walter W. Duft/ |
| Name | Walter W. Duft |
| Date | 03/20/2006 |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration of:

Registration No. : 2,968,113

Issue Date : July 12, 2005

Registrant : Power Research, Inc.

MARK : POWER FUEL

International Class : 001

Goods : Chemical fuel additive for gasoline, diesel fuel and heavy fuel oil.

FPPF Chemical Co., Inc.
Petitioner

v.

Power Research, Inc.
Registrant

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) CANCELLATION NO.:
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PETITION FOR CANCELLATION

Petitioner, FPPF Chemical Co., Inc. (“FPPF”), by and through its undersigned attorney, believes that it is being damaged by the above-referenced Registration No. 2,968,113 for the mark POWER FUEL for a “chemical fuel additive for gasoline, diesel fuel and heavy fuel oil,” in International Class 001, and therefore requests that said registration be canceled.

As grounds for Cancellation, Petitioner alleges that:

1. On April 5, 2004, Petitioner filed Application Serial No. 76/585,481 to register the mark FUEL POWER for a “Chemical additive for the treatment of diesel fuel; namely, a diesel fuel treatment additive with antigelling, anti-waxing and water dispersant properties,” in International Class 001.

2. Petitioner’s application recites that the FUEL POWER mark was first used at least as early as February, 1975, was first used in interstate commerce at least as early as February, 1975, and is now in use in such commerce.

3. On September 19, 2005, Petitioner was refused registration of its FUEL POWER mark under Trademark Act §2(d), 15 U.S.C. §1052(d) on the ground that Petitioner's FUEL POWER mark, when used on or in connection with the identified goods, so resembles the POWER FUEL mark in Registration No. 2,968,113 as to be likely to cause confusion, to cause mistake, or to deceive.

4. Registration No. 2,968,113 issued from an intent-to-use application, Serial No. 78/160,058, filed under Trademark Act §1(b), 15 U.S.C. §1051(b) on September 3, 2002, and a subsequent Statement of Use reciting a date of first use of 1999 and a date of first use in interstate commerce of 2000 for the POWER FUEL mark.

5. On information and belief, Registrant has not in fact used the POWER FUEL mark as a trademark insofar as the specimen attached to Registrant's Statement of Use consists of a set of Internet web pages, some of which display the words POWER FUEL in conjunction with photographs of products allegedly sold by Registrant. None of the product labels appear to bear the POWER FUEL mark and there is no mechanism on

Registrant's website for purchasing said products as would be required to permit Registrant's use of the POWER FUEL mark on its website to be considered a point-of-purchase display.

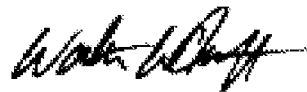
6. Petitioner is being damaged by Registration No. 2,968,113 because said registration is preventing registration of Petitioner's FUEL POWER mark.

7. If, as the trademark examining attorney contends in connection with Application Serial No. 76/585,481, Petitioner's FUEL POWER mark so resembles Registrant's POWER FUEL mark as to be likely, when used on or in connection with Petitioner's recited goods, to cause confusion, to cause mistake, or to deceive, then Registration No. 2,968,113 should be canceled and Petitioner should be granted a registration because Petitioner has priority of use as a result of having continuously used its FUEL POWER mark in interstate commerce for approximately 25 years prior to Registrant's alleged date of first use in commerce of the POWER FUEL mark.

8. Registration No. 2,968,113 should be further canceled on ground that Registrant has never used the POWER FUEL mark as a trademark.

WHEREFORE, Petitioner prays that this Petition be sustained in favor of Petitioner, and that Registration No. 2,968,113 be canceled.

Respectfully Submitted:



Dated: March 20, 2006

Walter W. Duft
8616 Main Street, Suite 2
Williamsville, New York 14221

Attorney for Petitioner FPPF Chemical Co., Inc.